

# BEST AVAILABLE COPY

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/12148

### Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been and will not be examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 2,5,6,7,8,9,10,17,20,21,22,23,24,25

because:

- ☐ the said international application, or the said claim Nos. \_ relate to the following subject matter which does not require international preliminary examination (*specify*).

- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 2,5-10,17,20-25 are so unclear that no meaningful opinion could be formed (*specify*).

THESE CLAIMS WERE NOT EXAMINED BECAUSE THEY ALL REFERRED BACK TO A LIMITATION NOT STATED IN THE INDEPENDENT CLAIMS.

- ☐ the claims, or said claims Nos. \_ are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for said claims Nos. \_.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.

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### V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

#### 1. statement

Novelty (N)	Claims	<u>1,3-4,11-16,18-19,26-30</u>	YES
	Claims	<u>NONE</u>	NO
Inventive Step (IS)	Claims	<u>NONE</u>	YES
	Claims	<u>1,3-4,11-16,18-19,26-30</u>	NO
Industrial Applicability (IA)	Claims	<u>1,3-4,11-16,18-19,26-30</u>	YES
	Claims	<u>NONE</u>	NO

#### 2. citations and explanations (Rule 70.7)

Claims 1,3-4,11-16,18-19,26-30 lacks an inventive step under PCT Article 33(3) as being obvious over Emmons et al, Maydan and Ward et al. To provide a control device that directs or diverts laser output to a workpiece in Emmons et al would not have involved an inventive step since Maydan and Ward et al teach that this is the function of control devices.

----- NEW CITATIONS -----  
NONE

5,751,444

4,708,473

5,596,590

3,703,687

5,197,074